

Feb 07, 2006 00138

Jeanne M. Zolezzi
jzolezzi@herumcrabtree.com

February 7, 2006

VIA EMAIL and US MAIL

Mr. Paul Marshall

SDIP EIS/EIR Comments

State of California Department of Resources

Bay Delta Office

1416 Ninth Street

Sacramento, California 95814

Re: Stockton East Water District/South Delta Improvement Program

Dear Mr. Marshall:

These comments on the South Delta Improvement Program Draft Environmental Impact Statement/Environmental Impact Report (Draft EIS/EIR) for the South Delta Improvements Program (SDIP) are submitted on behalf of Stockton East Water District.

SPECIFIC COMMENTS

New Melones Reservoir (p. 5.1-13)

The statement is made that "Operation of New Melones is governed by the interim operations plan. . ." This statement is inaccurate. The United States Bureau of Reclamation has indicated that it is using the interim operations plan (IOP) as a "guide." In fact, Reclamation had consistently deviated from the IOP in its operations of New Melones for the past several years, provided more water for water quality when needed and additional water to CVP contractors

than allocated under the IOP formula. As a result, the validity of modeling results using a version of CALSIM operating New Melones in accordance with the IOP is questionable.

San Joaquin River and South Delta Salinity (p. 5.3-13)

The statement is made that “Releases from New Melones Reservoir are used by Reclamation to control the salinity at Vernalis, but there is a maximum specified volume of water reserved for this purpose.” This is inaccurate for several reasons. First, Reclamation has been operating New Melones without regard for any maximum specified volume of water for the control of salinity. In addition, Public Law 108-361 directs the Secretary to change the operation of New Melones for this purpose to reduce such releases. This change is not discussed in the operating scenario.

The statement continues: “CALSIM attempts to meet the EC objectives, but because the salinity control water volume may be depleted at the end of the water year, the simulated Vernalis EC is often higher than the 1,000 $\mu\text{S}/\text{cm}$ objective in September.” Because Reclamation has indicated that the EC standards at Vernalis will be met this statement reveals the inaccuracy of the CALSIM model as used.

Finally, the Draft EIS/EIR states: “The SDIP alternatives are not expected to change the San Joaquin River flows and therefore would not affect the Vernalis EC values.” This conclusory statement is not supported with evidence anywhere in the record; nor does the record contain any analysis on this issue.

At p. 5.3-14 the Draft EIS/EIR states:

The potential indirect effects of the SDIP providing increased CVP deliveries that would add to the salt load at Vernalis were considered in the CALSIM salinity estimates at Vernalis that were used in DSM2. However, most of the additional deliveries would be made to the CVP San Luis Unit contractors (e.g., Westlands Water District). Most of the CVP deliveries to water districts along the San Joaquin River are DMC exchange contractors who already receive their full allocation of Delta water in almost all water years. Changes in the Vernalis EC estimates caused by the SDIP were negligible.

Please point out the information and analysis contained in the Draft EIS/EIR upon which these conclusions are based. The statement that “Changes in the Vernalis EC estimates caused by the SDIP were negligible” is not supported with data.

Most importantly, asking whether or not operation of Stage 2 of the SDIP changes the Vernalis EC estimates does not evaluate the adverse impact of the project on the environment. Because the potential indirect effects of Stage 2 of the SDIP providing increased CVP export deliveries that would add to the salt load at Vernalis were simulated with the CALSIM model, any changes in the salt load would be masked by the salinity management with New Melones releases to meet the EC objectives. The Draft EIS/EIR needs to evaluate the increased salt load at Vernalis NOT the estimated increase in Vernalis EC.

In fact, the Draft EIS/EIR does not discuss the impact of increased CVP exports (including refuge supplies) on return drainage into and water quality in the San Joaquin River, and resulting adverse impacts to water quality at Vernalis. While Reclamation will release additional water from New Melones to insure that the objective at Vernalis is met, that in itself is a potential adverse impact that must be evaluated in the Draft EIS/EIR and is not. In addition, the Draft EIS/EIR should discuss the appropriateness of assuming additional releases from New Melones to mitigate for adverse impacts caused by increased CVP return flows in light of the specific mandate of Public Law 108-361 to reduce such flows.

Moreover, we are not able to identify any analysis in the Draft EIS/EIR that supports the assertion that most of the additional deliveries would be made to Westlands Water District. Table 9.6 of the Draft EIS/EIR reveals increased deliveries under each alternative to CVP contractors, other than Westlands Water District, that drain into the San Joaquin River.

In addition, Table 9.6 indicates identifies zero increased deliveries under all alternatives to refuge contractors, while at p. 4-7 of the Draft EIS/EIR the statement is made that with implementation of Stage 2 of Alternative 2A: “. . .DWR would annually convey up to 100,000 acre-feet of CVP Level 2 Refuge water through CCF and SWP Banks by September 1. . . .” Is this additional water?

Further, the Draft EIS/EIR does not evaluate whether or not any of the additional unused pumping capacity that would allow an average of approximately 100,000 acre feet of potential

water transfers pursuant to Stage 2 of Alternative 2A would be used to convey additional water to wildlife refuges.

At p. 5.3-17 the Draft EIS/EIR states:

Figure 5.3-8 shows the DSM2 EC boundary conditions for the San Joaquin River at Vernalis for the 1976-1991 period compared to the historical EC measured at Vernalis during the same period. The relationship between EC and flow at Vernalis is generally matched with the DSM2 boundary EC conditions that are actually obtained from CALSIM. However, the historical monthly pattern of EC, which is generally highest in the winter months, was not always reproduced in the CALSIM-estimated EC values that were used in the DSM2 modeling. The DSM2 Vernalis boundary conditions show highest EC values in the months of August and September, apparently because the CALSIM-simulated salinity control account in New Melones Reservoir is depleted. CALSIM results (used in DSM2) show several years with a violation of the 1,000-µS/cm EC objective at Vernalis in September. Recent technical work by Reclamation on the Vernalis salinity estimates in CALSIM may resolve this issue. The high Vernalis EC from CALSIM produces a subsequent problem in DSM2 simulations of the SDIP alternatives, because the simulated complete closure of the head of Old River fish control gate in October and November tends to trap high EC water in the south Delta channels. Violations of the south Delta EC objectives that may be simulated in the baseline conditions are not considered to be an impact from the SDIP if the cause was the high Vernalis EC.

The “recent technical work” being undertaken by Reclamation is not described; please indicate what type of work is being undertaken.

Sources of South Delta Salinity (page 5.3-25)

The Draft EIS/EIR includes the statement:

The CALSIM-estimated EC values, which are used in DSM2 simulations of EC, exceed these salinity objectives in September of several years. The high EC values from CALSIM that are above the water quality objectives in September do not occur in the historical record. There is no reason to believe that the Vernalis EC in September will exceed the EC objective in the future. The high EC values estimated by CALSIM in March are more likely to occur because there has been high salinity at Vernalis during the winter of low-flow years. Technical work currently being prepared by Reclamation to revise and improve the EC estimates in the CALSIM model may help resolve this

issue. The revised Vernalis EC estimates are generally lower and suggest that water quality objectives at Vernalis and in the south Delta channels may be met more frequently.

Where is the support for the conclusion that “The high EC values estimated by CALSIM in March are more likely to occur because there has been high salinity at Vernalis during the winter of low-flow years?” The most likely reason that EC values are high in March is refuge releases during that period, and this is not evaluated. Again, please define the “technical work” being prepared by Reclamation.

GENERAL COMMENTS

Refuge Supply Impacts

An area completely ignored by the Draft EIS/EIR is the potential impact of Stage 2 operations on water availability to water supply refuges. The document acknowledges that refuge water supplies are included in CVP demands (at p. 5.1-19), but does not provide specific information regarding increased supplies to refuges as a result of operational changes that could occur in Stage 2 of the SDIP.

Conditions Precedent to Stage 2

The California Legislature has imposed conditions upon the Department of Water Resources and the United States Congress has imposed conditions upon the Bureau of Reclamation that must be met before the operational changes contemplated at Stage 2 of the SDIP can be implemented. Yet, the Draft EIS/EIR does not mention the requirements imposed by California Water Code §138.10 or Public Law No: 108-361.

Water Code §138.10 specifically provides that the Secretary of Resources is to submit a plan to meet the existing permit and license conditions imposed upon the Department of Water Resources by the State Water Resources Control Board in D 1641, and that the plan is to be submitted to the Board of the California Bay-Delta Authority “prior to increasing the existing permitted diversion rate at the State Water Project’s Harvey O. Banks Pumping Plant.”

Public Law 108-361 includes an express prohibition against “increasing export limits from the Delta for the purposes of conveying water to south-of-Delta Central Valley Project contractors” until the Secretary develops and initiates implementation of the program described in that law. The program is a specific pre-requisite to implementation of the Stage 2 of the project described in the Draft EIS/EIR, and the project description must include a discussion of the program requirements.

Specifically, Public Law 108-361 requires re-operation of the New Melones Project to address the following changes in operations on the San Joaquin River:

- ✓ Developing a recirculation program to provide flow, reduce salinity concentrations in the San Joaquin River, and reduce the reliance on the New Melones Reservoir for meeting water quality and fishery flow objectives through the use of excess capacity in export pumping and conveyance facilities.
- ✓ Implementing a best management practices plan to reduce the water quality impacts of the discharges from wildlife refuges that receive water from the Federal Government and discharge salt or other constituents into the San Joaquin River.
- ✓ Acquiring water from willing sellers on streams tributary to the San Joaquin River or other sources to provide flow, dilute discharges of salt or other constituents, and to improve water quality in the San Joaquin River below the confluence of the Merced and San Joaquin Rivers, and to reduce the reliance on New Melones Reservoir for meeting water quality and fishery flow objectives.

The express purpose of the obligations imposed by Public Law 108-361 is to “reduce the demand on water from New Melones Reservoir used for that purpose and to assist the Secretary in meeting any obligations to Central Valley Project contractors from the New Melones Project.” Consequently, these directed changes are foreseeable and must be analyzed in the 2020 operations scenario to present an accurate environmental impact.

CONCLUSION

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In summary, it appears that the Draft EIS/EIR does not discuss, let alone address, all impacts of the proposed project. In addition, the project description does not accurately reflect existing law governing operation of the CVP, and specifically, the limitations imposed upon operation of Stage 2 of the Project by Public Law 108-361.

Very truly yours,

A handwritten signature in black ink, appearing to read "Jeanne Zolezzi", written in a cursive style.

JEANNE M. ZOLEZZI
Attorney-at-Law

JMZ:rl

cc: Mr. Kevin Kauffman
Mr. Michael Finnegan